

June 4, 2004

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: *Luxon Wireless, Inc.*  
*Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's*  
*Rules to Facilitate the Provision of Fixed and Mobile Broadband*  
*Access, Educational and Other Advanced Services in the 2150-*  
*2162 and 2500-2690 MHz Bands*  
WT Docket No. 03-66  
**NOTICE OF *EX PARTE* PRESENTATION**

Dear Ms. Dortch:

On Thursday, June 3, 2004, Brian W. Gortney, II, President of Luxon Wireless Inc., Robert J. Rini and the undersigned met with Commissioner Kevin Martin and Samuel Feder, Legal Advisor to Commissioner Martin, regarding the above-referenced proceeding.

The participants discussed the impact that certain decisions would have on new entrants. Luxon reiterated its support for permitting the voluntary sale of ITFS licenses to commercial entities. Luxon explained that Luxon's ability to attract investment was being impaired by the existing rules prohibiting it from acquiring ITFS licenses. Based on its discussions with ITFS licensees, Luxon stated that there was great interest in giving educators the flexibility (*i.e.*, choice) to realize such benefits, both as part of a compensation plan to licensees and by virtue of the proposed five percent post-assignment spectrum set-aside that would be available to all educators in the community.

In addition, to the extent the Commission may elect to defer action of ITFS eligibility to a later date, Luxon suggested that the Report and Order should provide a description of the Comments and *ex parte* presentations concerning the issue and that the it be written in a manner that would not be predictive or presumptive of a particular outcome.

A copy of Luxon's written *ex parte* presentation provided to Commissioner Martin and Mr. Feder is attached hereto.

Pursuant to Section 1.1206(b)(2), this notice is being filed electronically with the commission via the Electronic Comment Filing System for inclusion in the public record of this proceeding. Please contact the undersigned counsel if there are any questions concerning this notice.

Respectfully submitted,

*/s/ Stephen E. Coran*

Stephen E. Coran

Enclosure

cc: Samuel Feder

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